IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.175 OF 2006

Sanjiv Ramrao Thakur).. Petitioner

Versus

State of Maharashtra and others).. Respondents

Mr.R.K. Mendadkar with Mrs.H.K. Mandlik for the Petitioner.

Mr.P.P. Kakade, Assistant Government Pleader, for Respondent Nos.1 and 2.

CORAM: V.G. PALSHIKAR, Ag. C.J. &
SMT. NISHITA MHATRE, J.

DATED: 30TH JANUARY 2006

P.C.:

. By this Writ Petition, the Petitioner has impugned the order passed by the Caste Scrutiny Committee holding that the caste of the Petitioner or the tribe of the Petitioner is not what he claims it to be.

2. The Petitioner filed 28 documents before the Committee, all of which were xerox copies of some originals, as alleged. Out of these documents, the school record of the Petitioner shows him to be Hindu (Other Backward Class). The record of the father of the Petitioner show him to be Hindu (Magas) which means the

father of the Petitioner was a Magasvargiya Hindu. Then there is one document which shows the grand-father of the Petitioner to be Thakur. That document is pre-Constitutional document and is sought to be relied upon and since the entry is that of Thakur, no further investigation is permissible under law and it must be accepted as the conclusive proof and, therefore, the order passed by the Caste Scrutiny Committee is wrong. We are unable to accept this submission as on the face of it is fallacious. An entry prior to the Constitution showing somebody as Thakur, if it is to be accepted as conclusive proof, even Thakurs belonging to high caste will have to be accepted as persons belonging to Backward Tribe or Scheduled Tribe. What has been prohibited by the judgments of the Supreme Court of India and this Court is splitting of the record, where it shows that a person belongs to Thakur tribe and further dissection is sought to be down as to whether he is Thakur, Thakar, Ka Thakur, Ka Thakar, Ma Thakur, Ma Thakar, which they say is not permissible.

3. In the present case, the Committee has considered every aspect of this and have placed reliance on several judgments of the Supreme Court of India as also of this Court. After considering the various documents, the Committee observed thus : "In view of the above discussion, it is very difficult to determine

whether applicant belongs to Thakur caste or Thakur tribe. Thus, Thakur is both a caste and tribe. The only entry as Thakur cannot, therefore, result in an automatic validation of caste certificate. This certificate has to specify whether the candidate belongs to caste Thakur or tribe Thakur. The judgments are noted by the Caste Scrutiny Committee in seriate.

4. Then the Committee finds at page 50 of the order as under :-

> "In the instant case, the socio-cultural traits, characteristics, festivals and customs of the applicant are not actually associated with the people belonging to Thakur, Scheduled Tribe community appeared at Sr.No.44 in the list of Scheduled Tribes."

This is a finding of fact given on cogent consideration of material available on record. The scope of interference by this Court under Article 226 of the Constitution in such orders of the Committee is very limited. Having found that there was material on record for passing the impugned order, we see no reason to interfere. Writ Petition dismissed.